IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.106 OF 2005

Rahul Harivansh Gupta Petitioner

versus

State of Maharashtra & others Respondents

Ms.Aradhana Latne for petitioner.

R.M.Sawant, GP for respondents 1 to 4.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 7th March 2005

PC :

1. Heard Ms.Latne in support of this petition. Mr.Sawant, GP appears for respondents 1 to 4.

2. Petitioner is a student who is prosecuting his studies in respondent no.5 Medical College on an OBC Seat. His caste claim was sent to the Scrutiny Committee for verification where the petitioner claims to belong to "Hindu Bhadbhuja" community. The Committee has rejected the claim by holding that particular community came to be recognised as OBC in Maharashtra State on 16th

October 1967 and petitioner should produce prior record. Petitioner is born in Maharashtra State much later some times in 1988 and therefore, as far as this aspect is concerned he cannot be put into difficulty on that count. However, he must produce evidence to show that he belongs to the particular community. As far as that aspect is concerned, Mr.Sawant rightly points out that most of the material produced is of very recent origin and on that basis it is not possible to come to the conclusion that petitioner belongs to this particular community. In the circumstances we are of the view that the Scrutiny Committee must go into this aspect on merits as to whether the petitioner has produced any evidence as belonging to this community. Since the education of the petitioner is at stake, we would like to give him an opportunity to produce the additional documents. For this limited purpose we issue Rule and having heard counsel for both sides interfere with the order passed by the Scrutiny Committee with a direction to it to decide the claim of petitioner on merits by giving him further opportunity to lead additional evidence, if he wants to lead so. Needless to observe that if petitioner fails to produce any such justifying material, the Committee will be left

with no option to perhaps to come to the same conclusion. Rule made absolute in the aforesaid terms. Committee is expected to decide the claim within three months. Certified copy not to be issued unless petition is numbered. Respondent no.5 college will not discontinue the petitioner from his education until the report of the Committee is received and for a period of four weeks thereafter

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)